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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,807	08/14/2001	Isaac Karpel	RPS920010032US1	2577

7590 09/20/2004  
DILLON & YUDELL LLP  
8911 NORTH CAPITAL OF TEXAS HIGHWAY  
AUSTIN, TX 78759

EXAMINER

PERVEEN, REHANA

ART UNIT PAPER NUMBER

2116

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SR

# Office Action Summary

Application No.

09/929,807

Applicant(s)

KARPEL ET AL.

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-12, 19-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 8, 9, 13-18 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

***Allowable Subject Matter***

Claims 4, 6, 8, 9, 13-18, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

Claims 1, 2, 10, 11, 19, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al, Patent No. 6,769,059, in view of Wallace, Jr, Patent No. 6,349,269.

As to claim 1, Qureshi et al teach allocating a memory location within a flash module of a data processing system to store a patch file with operating parameter data for a processor of the data processing system (abstract), modifying a configuration program code of the data processing system to dynamically read the operating parameter from the patch file and update an associated control function (abstract), and associating the operating parameter data within a BIOS of the data processing system via a flash utility, wherein the BIOS operates with the operating parameter data taken from the patch file (col. 2 lines 6-67 and col. 4 lines 56-67).

However, Qureshi et al do not expressly teach the operating parameter being a thermal profile.

Wallace, Jr. teaches updating an operating parameter such as a thermal profile (col. 6 lines 15-21 and col. 7 lines 49-55).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine teachings of Qureshi et al and Wallace, Jr. because both are commonly directed to updating operating parameter environment, one of the well known operating parameter being a thermal profile data, and Wallace, Jr.'s thermal profile data as an operating parameter, when incorporated into Qureshi et al's system, would have enabled improved integrity in the combined system by allowing more adequate temperature control of the computer system keeping data integrity.

As to claim 2, Qureshi et al teach providing thermal data within the patch file about an installed processor of the data processing system (col. 2 lines 6-67 and col. 4 lines 56-67).

Claims 10, 11, 19, 20, and 23 are directed to the system implementing the method of claims 1 and 2, and claim 21 is directed to the computer readable medium of method claims 1 and 2. Qureshi et al and Wallace, Jr, in combination, teach the method as set forth in claims 1 and 2. Therefore, Qureshi et al and Wallace, Jr, in combination, also teach the system as set forth in claims 10, 11, 19, 20, and 23.

Further, Qureshi et al and Wallace, Jr, in combination, also teach the computer readable medium as set forth in claim 21.

Claims 3, 12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al, Patent No. 6,769,059, in view of Wallace, Jr., Patent No. 6,349,269, further in view of Odaohhara et al, Patent No. 6,574,740.

As to claims 3, 12, and 24, neither Qureshi et al nor Wallace, Jr. expressly teach the data including a first temperature at which fans of the system will engage, a second temperature at which thermal throttling will be utilized, a third temperature at which the processor shuts down, and dynamically controlling temperature control utility to respond according to the data.

Odaohhara et al teach thermal data including a first temperature at which fans of the system will engage, a second temperature at which thermal throttling will be utilized, a third temperature at which the processor shuts down, and dynamically controlling temperature control utility to respond according to the data (col. 12 lines 25-58).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine teachings of Qureshi et al, Wallace, Jr., and Odaohhara et al because Odaohhara et al's different functions at different temperature to aide cooling process, when incorporated into Qureshi et al and Wallace, Jr.'s combined system,

Art Unit: 2116

would have enabled further integrity by providing improved temperature control in the overall system.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

Art Unit: 2116

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen  
Primary Patent Examiner  
Technology Center 2100